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Chair:	Mr. Luna (Vice-Chair)	(Brazil)
later:	Mr. Biang (Chair)	(Gabon)
later:	Mr. Luna (Vice-Chair)	(Brazil)

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In the absence of Mr. Biang (Gabon), Mr. Luna (Brazil), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 111: Measures to eliminate international terrorism (*continued*) (A/73/125)

1. **Mr. Dotta** (Uruguay) said that his Government was committed to defending international law, the rule of law, human rights, international human rights law and international humanitarian law, and it condemned terrorist acts in all their forms, regardless of the methods used or the political, ideological, philosophical, religious, ethnic, racial or other motivations, and by whomever committed. Today more than ever, the international community must join forces to address those abominable acts which endanger the very existence of the international community. Terrorism was the worst scourge and the worst proof of the failure to respect global values and principles and must be addressed comprehensively, with the participation of all States. In that connection, it was particularly important to combat the financing of terrorism and the sale and supply of weapons to terrorist groups.

2. It was regrettable that, despite numerous Security Council resolutions condemning acts of terrorism, and notwithstanding years of negotiations, it had not been possible to arrive at a consensus on a definition of terrorism; the Sixth Committee was the ideal venue to do so and to elaborate a draft convention on the subject. Political arguments must not be allowed to undermine such efforts. For its part, Uruguay had signed the Code of Conduct towards Achieving a World Free of Terrorism initiated by Kazakhstan.

3. His delegation urged all States to cooperate sincerely to craft a binding instrument in which terrorism was defined and the methods of combating it were spelled out. However, terrorism could not be combated using instruments alone. The promotion of education, culture and values, and the elimination of the inequality and fanaticism which cause people to decide to join terrorist groups as an alternative lifestyle could also contribute to the fight against terrorism.

4. **Mr. Oña Garcés** (Ecuador) said that terrorism was a serious threat to the international community. Ecuador unequivocally condemned all terrorist acts committed by whomever, wherever and for whatever purposes, regardless of the entity that perpetrated them. Joint, concerted measures were needed to counteract terrorism; any such action must be consistent with human rights and State sovereignty. In that connection, Ecuador reiterated its support for a balanced application of all four pillars of the United Nations Global Counter-Terrorism Strategy and also for the Office of Counter-Terrorism.

5. The prevention of terrorism was just as important as its repression, and it was therefore essential to identify factors that might promote acts of terrorism, including its financing, political, ethnic, religious and racial intolerance, and social and economic inequality between nations. In early 2018, Ecuador had been the scene of a number of violent acts perpetrated by irregular armed groups linked to international organized crime, resulting in a dozen deaths, numerous injuries, population displacement and damage to national infrastructure. In response, his Government had set up a national committee for border security and had implemented a plan for the defence of the northern border to address the threat of transnational terrorism in all its forms.

6. The United Nations was the sole global platform from which terrorism could be combated effectively. In that connection, his delegation supported efforts to draft a framework convention on international terrorism. To reach a consensus, it was important to consider all points of view and incorporate the legitimate concerns of all Member States. His delegation was in favour of an open consultation process to achieve progress in that regard.

7. *Mr. Biang (Gabon) took the Chair.*

8. **Ms. Gebremedhin** (Eritrea), reiterating her Government's unequivocal condemnation of violent extremism and terrorism in all its forms and manifestations, said that any action taken to combat terrorism must be consistent with international law. Acts of terrorism should not be associated with any religion, nationality, civilization or ethnic group.

9. The crisis in the Red Sea Basin and the potential spread of terrorism and violent extremism to the rest of the region was a matter of serious concern. Eritrea, while stable, secure and harmonious, had long experience in fighting radicalization, extremism and terrorism, and it had committed itself at national, regional and international levels to the global effort to combat and eliminate terrorism.

10. Eritrea was currently developing overarching projects with the United Nations Office on Drugs and Crime (UNODC) to build the human, infrastructural, technical and technological capacities of the Eritrean law enforcement agencies. Those projects were based on national ownership and aligned with the Sustainable Development Goals, the Agenda 2063 of the African Union and the Regional Programme for Eastern Africa

(2016–2021) "Promoting the Rule of Law and Human Security in Eastern Africa" of UNODC.

11. Regional peace and security was key to combating terrorism and violent extremism. On 9 July 2018 Eritrea and Ethiopia had signed the Joint Declaration of Peace and Friendship, ending 20 years of hostilities. The recent renewal of peace and cooperation in the Horn of Africa was paving the way for peace, stability and economic development among all the countries of the region. In a peace agreement signed in Jeddah, both countries had reaffirmed their commitment to combat terrorism and trafficking in persons, arms and drugs, in accordance with international covenants and conventions. They also encouraged cooperation on counter-terrorism efforts between the countries of the region.

12. A balanced implementation of all four pillars of the United Nations Global Counter-Terrorism Strategy was central to combating terrorism. In that connection, Eritrea had signed the Code of Conduct towards Achieving a World Free of Terrorism, initiated by Kazakhstan, and it had sponsored and welcomed Security Council resolution 2396 (2017) on returning and relocating foreign terrorist fighters.

13. The Horn of Africa, where Eritrea was located, was very vulnerable to the threat of terrorist infiltration, hence the need to strengthen cooperation and enhance the capability of States and regional and international organizations to combat that threat. In that connection, the unjustified restrictions imposed on some States must be lifted, because they could undermine their ability to fight terrorism. The root causes of terrorism, such as prolonged unresolved conflicts, poverty, social marginalization and a sense of injustice, must also be addressed.

14. **Mr. Nasimfar** (Islamic Republic of Iran) said that terrorism had become more diffuse and pervasive and terrorists were making increasing use of information and communications technologies. Although Islamic State in Iraq and the Levant (ISIL) had been defeated in Iraq and Syria, its ideology would not simply fade away. The Takfiri ideology used by terrorists from Al-Qaida to ISIL to craft distorted narratives based on the misinterpretation and misrepresentation of Islam to justify violence could not be eliminated solely through military, political or economic means. Any effective strategy must contain a major cultural and ideological component.

15. There was a need for a comprehensive plan and close cooperation and coordination between relevant stakeholders to eradicate terrorism. The United Nations Global Counter-Terrorism Strategy provided such a common platform for cooperation, and his Government supported its implementation in an integrated and balanced manner. Besides, applying double standards and giving a one-sided interpretation of the notion of "terrorism" simply enabled terrorist groups and their affiliates to freely grow, recruit new members and perpetrate unspeakable atrocities.

16. Another longstanding issue concerned foreign invasions and occupations and their consequences, the most pressing example being the 70-year occupation of Palestine, a situation which had been further compounded by systematic political and military foreign interventions in the region.

17. The Islamic Republic of Iran had been and continued to be a victim of terrorism. In 2017, terrorists affiliated with ISIL had carried out twin attacks in Tehran. Several innocent persons had been killed and dozens injured. On 22 September 2018, a terrorist attack had been perpetrated in Ahvaz, a south-western city of the country; at least 24 persons, including children, had been killed and 60 others injured. Such indiscriminate attacks not only left untouched the will of the Islamic Republic of Iran to fight vigorously all manifestations of terrorism, but also rendered that nation more firmly resolved to contribute to the fight against terrorism.

18. The Islamic Republic of Iran had taken effective legal measures to strengthen its national capabilities to suppress terrorism. For example, the National Strategy for Countering Terrorist Acts had been adopted in 2013 and the Countering Financing Terrorism Act had been adopted in 2016. That Act, which criminalized all acts related to the financing of terrorism, was compatible with the International Convention for the Suppression of the Financing of Terrorism. A new draft amendment to the Act, aimed at filling gaps in existing law, had been adopted in early July 2018.

19. As part of its contribution to the international fight against terrorism, the Government had signed the bill of accession to the International Convention for the Suppression of the Financing of Terrorism and had submitted it to the Parliament for consideration. The Islamic Republic of Iran had also signed mutual legal assistance agreements and memorandums of understanding with more than 40 countries in which the freezing of crime-related funds and assets had been addressed. All those bilateral agreements made provision for judicial cooperation, exchange of information and coordination to deal with terrorist crimes.

20. Bearing in mind the importance of training, capacity-building and technical assistance, the Islamic Republic of Iran had been cooperating with UNODC on

deliverables and activities relating to the fight against terrorism and money-laundering. His delegation welcomed the establishment of the United Nations Office of Counter-Terrorism. In that connection, there was an urgent need to improve the efficiency of the United Nations Counter-Terrorism Centre, including through the adoption of its terms of reference in the General Assembly. To enhance the involvement of Member States in the work of the Centre, the members of its Advisory Board must be elected by the General Assembly, and the meetings of the Advisory Board must be open to all Member States.

21. Lastly, the fight against terrorism must be conducted in conformity with the Charter of the United Nations and international law. His delegation strongly rejected the labelling of certain States for political purposes and the unilateral preparation of lists accusing other States of supposedly sponsoring terrorism. Such unilateral acts would only undermine urgently required joint efforts by all States to counter terrorism in all its forms and manifestations.

22. **Mr. Mikeladze** (Georgia) said that his country strongly condemned terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purpose. As ISIL had experienced significant losses in Syria and Iraq, it had expanded its global network and had begun regrouping based on geographical proximity and a concentration in smaller groups in other countries, especially those affected by conflict. To counter that development, it was of vital importance to strengthen international cooperation and maintain an intensive and timely exchange of information between national law enforcement agencies.

23. Georgia had enhanced its counter-terrorism legislation by criminalizing terrorist activities, including those carried out by foreign fighters, in accordance with Security Council resolution 2178 (2014) and other relevant international instruments. The strengthening of the legal framework had resulted in effective enforcement measures to prosecute perpetrators implicated in international terrorism. Fighters who had returned to Georgia had been indicted for their participation in the activities of ISIL.

24. His Government welcomed the visit of the Counter-Terrorism Committee Executive Directorate to Georgia from 16 to 18 July 2018 for the purpose of promoting dialogue between Georgia and the United Nations and monitoring the country's implementation of the relevant resolutions. His delegation looked forward to the Directorate's final report; its recommendations would contribute to the effectiveness of the country's security system.

25. Georgia had sponsored General Assembly resolution 71/248 on the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. It had also accepted hundreds of asylum seekers from the Syrian Arab Republic and Iraq who were fleeing the violence of ISIL, which was impressive considering that 20 per cent of Georgia remained under occupation and the country was home to hundreds of thousands of internally displaced persons.

26. **Mr. Millogo** (Burkina Faso) said that terrorism had had negative consequences for the socioeconomic development of his country. His Government had undertaken a number of legal and institutional reforms aimed at preventing and suppressing terrorism while ensuring respect for human rights. They included the adoption of a new counter-terrorism law and the establishment and strengthening of specialized judicial and law enforcement services.

27. Transboundary judicial and security-related cooperation was an effective way of combating the terrorist threat. There was a close link between terrorism, transnational organized crime and trafficking in persons. The sources of financing for such activities must be cut. The international community must also give close attention to the problem of foreign fighters, whose movements might well destabilize entire regions, especially those that did not have the capacity to respond to the threat. Accordingly, Burkina Faso had played an active role in the establishment of the Group of Five for the Sahel and its joint force, which unfortunately had yet to be deployed. His delegation called for bilateral and multilateral support for the joint force to ensure that it had the resources needed to meet its objectives.

28. His delegation looked forward with a sense of urgency to the finalization and adoption of the draft comprehensive convention on international terrorism. In that connection, it welcomed Code of Conduct towards Achieving a World Free of Terrorism, which Burkina Faso had signed recently. In the fight against terrorism, the emphasis must be placed on prevention and on addressing the root causes, namely poverty, discrimination in various forms and population displacement due to conflicts and climate change. Greater efforts must be made to involve all social groups in the fight against violent extremism and radicalization.

29. **Mr. Nyanid** (Cameroon) said that a concerted, coordinated effort was needed to address terrorism, which constituted a grave threat to international peace and security. To that end, an exchange of information and a strengthening of State capacities were essential. His Government welcomed the holding on 28 and 29 June 2018 of the first United Nations High-level Conference on Counter-Terrorism. The joint summit on counter-terrorism between the Economic Community of West African States and the Economic Community of Central African States held in Lomé had demonstrated the growing awareness of African States of the need for countries to adapt to the evolving tactics of terrorists. Terrorist groups had shifted their focus to the cyberspace; that called for heightened vigilance and an appropriate response. International cooperation in that regard was an absolute priority, and the success of the United Nations Global Counter-Terrorism Strategy would depend on consistent action by the structures set up in that context.

30. Cameroon, which had been the scene of repeated atrocities committed by Boko Haram, firmly condemned terrorism and reaffirmed its strong commitment to the Global Counter-Terrorism Strategy. The fight against terrorism called for a combination of factors, including heightened awareness and the involvement of local communities and the participation of non-governmental organizations in the elaboration of strategies adapted to local situations in order to deconstruct the extremist narrative and ensure that young people and other vulnerable persons were not misled by the illusions propagated by terrorists.

31. In Cameroon, which encouraged a culture of peace and tolerance and an interfaith dialogue, numerous educational programmes and development projects involving young people were under way to counteract the terrorist narrative of hate and to deradicalize persons attracted by it. Violent extremism and terrorism were mutually reinforcing, and in that connection, his delegation welcomed the Secretary-General's Plan of Action to Prevent Violent Extremism.

32. The successes of Cameroon in combating Boko Haram were the result of the synergy between the States of its subregion. That cooperation, which included the establishment of a mixed multilateral force, should be strengthened and made permanent. Measures aimed at destroying terrorist ideologies should be given priority in counter-terrorism policies.

33. **Mr. Al-Rumaihi** (Bahrain) said that his Government was convinced of the need for a comprehensive approach to counter and eliminate terrorism. Terrorism was no longer confined to easily identifiable groups. It had taken many forms and manifestations and had become a tool used by some States to instigate crises in other States and thus destabilize and undermine international peace and security. Aware of those threats, Bahrain was committed to the operationalization of all cooperation frameworks with partners and friends in the region and further afield. It also participated in a number of coalitions, including the Islamic Military Counter-Terrorism Coalition, the Global Coalition to Counter ISIL and the Arab Coalition to Support Legitimacy in Yemen.

34. At the national level, Bahrain had adopted several acts and regulations on countering terrorism, such as Act No. 58 (2006) on the protection of society from terrorist acts and the amendments thereto, which included a section on terrorist crimes and established the post of special prosecutor for terrorist matters, and Decree No. 4 (2001) on the prohibition of money-laundering and the financing of terrorism. In 2001, a committee had been established to elaborate policies on prohibiting and combating money-laundering and the financing of terrorism. In 2014 Bahrain had hosted an international conference on countering the financing of terrorism. In implementation of the outcomes of that conference, a workshop had been held in 2015 on the protection of civil society organizations from the threat of terrorism and possible means of addressing the phenomenon without undermining the activities of those bodies. It had also taken part in the international conference on combating the financing of terrorism under the theme "no money for terror" organized by the OECD in Paris in April 2018. Bahrain also actively participated in the communications working group established within the Global Coalition to Counter ISIL.

35. Bahrain reiterated its rejection of terrorism in all its forms and manifestations committed by whomever, wherever and for whatever purposes.

36. **Mr. Kapambwe** (Zambia) said that his country was committed to applying the principles of the United Nations in the maintenance of international peace and security and the promotion of friendly relations and cooperation among States. It condemned terrorism in all its forms and manifestations. It would continue to fulfil its obligations under international law by supporting all counter-terrorism measures adopted by relevant regional groups, mechanisms and the international community that were consistent with the Charter of the United Nations and soon, it hoped, with a comprehensive convention on international terrorism.

37. Zambia had adopted legislation to prevent and prohibit the financing of terrorism and proliferation activities and contained measures for their detection.

His Government also intended to domesticate all international conventions and treaties on anti-terrorism and proliferation. It had been actively pursuing a five-year process of transformation of its national development programme to ensure that its counter-terrorism strategy was well coordinated and integrated into all sectors of the economy.

38. Although awareness of activities linked to money-laundering and the financing of terrorism was growing, Zambia had yet to make significant progress in terms of convictions and forfeiture of assets. His Government was therefore seeking to ensure the involvement of all public agencies and communities in the prevention of financial crimes. Zambia was grateful for the technical support it had received from cooperating partners.

39. There was a need for the international community to combine efforts to deal decisively with the scourge of terrorism and to provide technical support to developing countries to enhance and strengthen their institutions dealing with terrorism. It was also important to ensure a proper balance between new, stricter laws for combating terrorism and the basic rights and freedoms enshrined in the Universal Declaration of Human Rights.

40. **Archbishop Auza** (Observer for the Holy See) said that the Holy See unequivocally condemned terrorism in all its forms and manifestations, as no ideological, political, philosophical, racial, ethnic or religious reasons could justify or excuse the resort to terrorist acts. Indeed, terrorist acts violated human dignity, human rights and international humanitarian law; endangered the stability and cohesion of society; jeopardized human development and threatened international peace and security. Consequently, effective measures must be adopted by all to prevent the recruiting, training and financing of potential terrorists as well as the commission of terrorist acts. Particular attention must be given to preventing the radicalization of young people through the media and cybertechnologies. Since terrorism was a crime, it must be fought taking full advantage of the mechanisms of criminal law and international mutual assistance among police and judicial authorities. Security or military means were never sufficient to combat terrorism and were rarely appropriate.

41. The United Nations could play a key role in assisting Member States in preventing terrorist activities before they became threats to international peace and security. The counter-terrorism conventions adopted by the Sixth Committee to ensure international judicial cooperation were of particular importance. The United Nations Office of Counter-Terrorism was also uniquely placed to provide strategic leadership and centralized coordination so that States could focus their resources in regions where counter-terrorism efforts were most need.

42. In implementing measures to combat terrorism, the authorities must scrupulously respect human rights, international humanitarian law and due process. While it was critical to ensure that wrongdoers were held accountable for their actions, the rule of law must be preserved at all cost. The fight against terrorism could not justify policies or measures that sacrificed due process and human dignity in the name of security, nor could it justify discriminatory or repressive measures against ethnic or religious minorities. Only by respecting the fundamental principles of justice would it be possible to gain the trust of those communities where terror organizations were pervasive. An arbitrary application of repressive measures, a selective approach to human rights and a brazen disregard for cultures and religions – especially if such action was perceived to be blatant demonstrations of superiority or deliberate acts of provocation – would not win hearts and minds.

43. Moreover, there could be no conflict between the effective implementation of measures to counteract terrorism and the provision of humanitarian assistance. On the contrary, as recognized by the Financial Action Task Force, legitimate humanitarian activities by charitable organizations, including religiously inspired organizations, contributed to the prevention of terrorism. There was hence the need to ensure that counter-terrorism measures did not limit nor inhibit the capacity of non-governmental and charitable organizations to provide humanitarian aid to vulnerable groups or persons, such as emergency relief to refugees and displaced persons, and medical services to the wounded.

44. Human development was key to preventing terrorism in the long term. States must work together with local authorities, civil society and international organizations to promote development, protect human rights and prevent the spread of ideologies that fostered terrorism. Local governments and grassroots organizations could play an essential role in supporting strategies that kept young people from being radicalized by terrorist propaganda. However, while human and economic development were indispensable to prevent terrorism, even fully developed societies might be susceptible to terrorism if terrorist propaganda and indoctrination were readily available online. Heightened international solidarity and a coordinated response were needed to deny terrorist organizations access to the cybertechnologies used in their recruitment and radicalization efforts.

45. Tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding were also conducive to the prevention of terrorism. Everyone must be able to worship freely and openly. Religious leaders must encourage social cohesion and dialogue and must take the lead in rejecting the narratives and ideologies that engendered radicalization, hatred and extremism.

46. The Holy See was deeply committed to promoting dialogue among religions and cultures with a view to creating a more peaceful society. To deter violence in civil society, it was also indispensable to foster the expression of dissent and grievances through democratic channels. Respect for the rights of free assembly and freedom of speech were vital to defeat extremism. The Holy See encouraged the Sixth Committee to continue its efforts to conclude a draft comprehensive convention on international terrorism and to pursue negotiations on the possibility of convening a high-level conference under the auspices of the United Nations. The conclusion of such a convention would restore the General Assembly to its rightful place in the development of universally agreed counter-terrorism norms.

47. **Mr. Harland** (Observer for the International Committee of the Red Cross (ICRC)) said that the ICRC was deeply distressed by the devastating impact of acts of terrorism on communities and individuals. ICRC did not challenge the legitimacy of States to take the measures necessary to ensure their security and eliminate terrorism, but international law, and in particular international humanitarian law and human rights law, must be respected when individuals were arrested and detained in connection with terrorism. The designation of such individuals as "foreign terrorist fighters" or the nature of the acts they might have committed must in no way be invoked as a justification for the non-observance of the legal protections to which they were entitled. Independent and neutral monitoring mechanisms, such as the ICRC, should be granted access to such persons so that they could assist detaining authorities in ensuring that detainees were treated humanely and in conformity with applicable international law and standards.

48. In relation to the counter-terrorism measures taken against "foreign fighters" and their families, ICRC was particularly concerned about the situation of children affected by such measures who, even when accused of crimes, were first and foremost victims. They must be detained only as a last resort, and they must be treated with due consideration for their age and individual vulnerabilities. ICRC encouraged States to find solutions that were in the best interests of such children, notably by ensuring that they were not separated from their parents and siblings.

49. It had repeatedly underscored the potential adverse effects on humanitarian action of certain counter-terrorism measures taken by States, both internationally and domestically. The activities of impartial humanitarian organizations, including those undertaken on behalf of wounded and sick fighters, must never be considered as a form of unlawful support of non-State actors or persons designated as terrorists or criminalized under international, regional or domestic laws. Such activities were an integral part of the mandate assigned to impartial humanitarian organizations by the State parties to the Geneva Conventions of 1949 and their 1977 Additional Protocols.

50. Sanctions regimes and criminal laws dealing with terrorism should exclude from their scope of application activities that were exclusively humanitarian and impartial. Such exclusions would be in line with the letter and spirit of international humanitarian law and would be compatible with States' obligations in that regard. Failure to exclude those activities from criminal laws dealing with terrorism would lead to the negation of the notion of neutral, independent and impartial humanitarian action and jeopardize the mission of impartial humanitarian organizations to protect and assist persons affected by armed conflict, particularly in areas where non-State armed groups designated as terrorist groups were active.

51. In that connection, ICRC welcomed the adoption of General Assembly resolution 72/284 on the sixth review of the United Nations Global Counter-Terrorism Strategy, notably paragraph 79, in which the Assembly urged States "to ensure, in accordance with their obligations under international law and national regulations, and whenever international humanitarian law is applicable, that counter-terrorism legislation and measures do not impede humanitarian and medical activities or engagement with all relevant actors as foreseen by international humanitarian law". The time had come to take concrete measures to that effect.

Agenda item 91: Strengthening and promoting the international treaty framework (A/73/141 and A/72/86)

52. **The Chair** drew attention to the request by Argentina, Austria, Brazil, Italy and Singapore for the inclusion of the item in the provisional agenda of the seventy-third session of the General Assembly (A/73/141) and the report of the Secretary-General on the review of the regulations to give effect to Article 102 of the Charter of the United Nations (A/72/86).

53. **Mr. Giacomelli da Silva** (Brazil), speaking on behalf of Argentina, Austria, Brazil, Italy and Singapore, said that the request to have that item included in the agenda of the current session of the General Assembly had been submitted in order to create a dedicated platform for a long overdue review of the regulations to give effect to Article 102 of the Charter of the United Nations. Adopted by the General Assembly in 1946 and amended only three times – in 1949, 1950 and 1978 – the regulations had been rendered out of date owing to the evolution of practice and technology. A review of those regulations would ensure that they were useful and relevant to Member States, as stressed by the General Assembly in 2017, and that would in turn promote the fulfilment of the obligation set out in Article 102.

54. On average, the Treaty Section of the Office of Legal Affairs registered 1,300 treaties per year, as well as almost double that amount of treaty actions, with the result that over 70,000 treaties and more than 125,000 treaty actions had been registered since 1945. Statistics also showed that treaty registration was not yet universal and appeared to be geographically imbalanced. As a result, a significant number of treaties had not been registered.

55. At its seventieth session, under a different agenda item, the General Assembly had invited the Secretary-General to review the regulations and submit the result of the review to the Sixth Committee. The Secretary-General had provided the results of that review in his report on strengthening and coordinating United Nations rule of law activities (A/71/169). At the seventy-first session, the Sixth Committee had not had time to consider the Secretary-General's recommendations in detail but had requested him to further elaborate on the review and to submit a report accordingly.

56. In the report submitted pursuant to that request, the Secretary-General had outlined the historical background of the regulations and included seven areas for consideration by the General Assembly. The Secretary-General had also discussed possible means of increasing the efficiency of the registration and publication process and enhancing the role played by the Treaty Section in supporting Member States in that area. At the seventy-second session, during its debate under a different agenda item, the Sixth Committee had not had time – yet again – to consider the issue in depth, but the General Assembly had stressed that the regulations should be useful and relevant to Member States.

57. The short-term objective under the current agenda item was to conclude a review of the regulations in 2018. That exercise could serve to clarify and simplify the procedural requirements for registration; to facilitate the further use of electronic resources in the registration process; to enhance efficiency; to consider whether the current publication policy met the needs of Member States; and to modernize the methods for disseminating information on registered treaties. To facilitate the review, a draft resolution would be circulated, containing proposed updates to the regulations in an annex, to serve as the basis for informal consultations.

58. The debate under the agenda item could also trigger an exchange of views among Member States regarding their treaty-making practice and serve as a platform for the identification of trends and the sharing of best practices in treaty-making. If members so desired, in future sessions the item could also provide a space for discussion on other treaty law-related topics, such as the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*.

59. The inclusion of the current agenda item marked the first time since 2009 that a new item had been included on the agenda of the Sixth Committee at the request of Member States. It would provide an opportunity for the revitalization of the work of the Sixth Committee. Through constructive and focused dialogue, the General Assembly should be able to conclude its review of the regulations in 2018.

60. **Ms. Rivera Sánchez** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the inclusion of the item in the agenda of the Sixth Committee contributed to the revitalization of its work. CELAC welcomed the opportunity to have a dedicated debate on the review of the regulations for the registration of treaties under Article 102 of the Charter. As noted by the Secretary-General in his report on the review of the regulations to give effect to Article 102 of the Charter of the United Nations (A/72/86), there was a geographical imbalance in the registration of treaties. Simplifying the procedure for registering treaties and increasing the use of electronic resources could go a long way towards overcoming the current shortcomings in treaty registration. The practices for the publication of treaties, including those pertaining to the dissemination of information on registered treaties, could be modernized, while balancing the calls for the reduction of the current backlog in the publication of the *Treaty Series* with the need to respect multilingualism, which was a core value of the Organization.

61. Promoting multilingualism entailed the active involvement and commitment of all stakeholders, and the countries of CELAC therefore reiterated the request

to the Secretary-General to redouble his efforts to ensure full parity among the six official languages. They pledged to work constructively during the informal consultations under the item in order to conclude the long-overdue review of the regulations during the current session. They were open to discuss other treaty-related issues that could be addressed under the agenda item in future sessions, such as the role of the Secretary-General as a depositary of multilateral treaties.

62. **Ms. Gauci** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro and Serbia; the stabilization and association process country and potential candidate Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that, like the Charter of the United Nations, the Treaty on European Union had established the promotion and strengthening of the rule of law as both a founding principle of the European Union and a key objective for the external action of the European Union. In particular, it provided that the European Union contributed to the strict observance and development of international law.

63. The European Union was a contracting party to a large number of bilateral, regional and multilateral agreements. Together with its member States, it had shaped treaty law and practice in a significant manner and thus considered the current agenda item important. The regulations that underpinned Article 102 of the Charter had an important purpose in reaffirming and promoting the appropriate registration and publication of treaties and international agreements.

64. A review to update the current regulations to reflect the evolution of practice and modern technological developments, clarify and simplify the procedural requirements for registration and facilitate further use of electronic resources in the process was welcome. The review would also help improve the dissemination of information on registered treaties and international agreements. Through a discussion and exchange of best practices, the review would make the publication of the *Treaty Series* more efficient and enhance transparency. It could also help in identifying areas where a better use of resources could be secured. It would reinforce the usefulness of the regulations for all parties to treaties and international agreements and better meet their needs, resulting in a broader implementation of Article 102.

65. For the European Union and its member States, a review of the regulations would be a timely step in support of the international legal order and the rule of law.

66. **Ms. Onanga** (Gabon) said that the subject matter of the current agenda item was reflected in her Government's commitment to promoting respect for the Charter and the formation and consolidation of international law. Although in principle all States had equal rights and obligations under international law, they did not all have the same capacity to adhere to the framework established by international law. The current item, which was intended to promote the registration of treaties in order to ensure optimal and equal adherence, was thus salutary.

67. Gabon supported the efforts of the Treaty Section to modernize existing tools and States now had the knowledge and expertise needed to democratize and disseminate them. It was indeed time to initiate a new review that took account of recent technological developments in order to adapt the existing mechanism, which had been in operation for decades, to current needs.

68. A multilateral mechanism was of vital importance to assist less well-off countries in promoting international law while protecting their national interests. International cooperation was needed to reduce the gap between countries and ensure that all States participated more equitably in the strengthening and promotion of the treaty framework. To that end, greater support for the Office of Legal Affairs, including in terms of budgetary allocations by the General Assembly, was indispensable. The countries which had initiated the agenda item should consider taking up the issue in the Fifth Committee for a concrete discussion.

69. **Mr. Rittener** (Switzerland) said that his Government welcomed the initiative to place the question of strengthening and promoting the international treaty framework on the agenda of the Sixth Committee. It strongly supported holding a discussion on revising the regulations concerning Article 102 of the Charter. All the measures proposed by the Secretary-General in his report on the review of the regulations to give effect to Article 102 of the Charter of the United Nations (A/72/86) warranted close attention, in particular the: the simplification of the procedure for States to register a treaty; the role of the depositary; and the use of electronic resources.

70. Switzerland had become a member of the United Nations in 2002 and since then had endeavoured to transfer to the Secretariat all the treaties and international agreements that it had concluded. The Secretary-General should envisage a more streamlined registration procedure, one that would enable a relatively new Member State like Switzerland to catch up with the registration of its unregistered treaties. A

corresponding adaptation of the regulations would also facilitate the fulfilment of the conditions stipulated in Article 102 by Switzerland also with regard to treaties concluded before it became a State Member of the United Nations.

71. Switzerland attached great importance to the role of the depositaries of international treaties. It had broad experience in that area and was currently the depositary of some 80 treaties, including the Geneva Conventions of 1949 and their Additional Protocols. It had acted in an impartial and neutral manner by maintaining the distinction between its role as depositary and that of party to the Conventions. Switzerland welcomed the Secretary-General's proposal which clearly defined the role of all the depositaries in ensuring the registration of multilateral treaties. Since the adoption in 1946 of the regulations giving effect to Article 102 of the Charter, it had endeavoured to register all the treaties of which it was the depositary.

72. Lastly, Switzerland encouraged the use of information technologies to achieve the objectives set out in Article 102. It supported the proposal to modify article 9 of the regulations so as to facilitate the use of electronic resources in the registration process.

73. *Mr. Luna (Brazil), Vice-Chair, resumed the Chair.*

74. **Mr.** Elsadig Ali Sayed **Ahmed** (Sudan) said it was important to recognize that the regulations regarding the registration of treaties, which had been last updated in 1978, were obsolete, given practice and modern technologies. Moreover, there was a clear geographical imbalance regarding the registration of treaties. He hoped that the inclusion of the current item on the agenda would indeed help create to a platform for a review of the regulations to give effect to Article 102 of the Charter, as stipulated in paragraph 8(b) of General Assembly resolution 70/118. He also hoped that the review would provide an opportunity to reaffirm the importance of the registration and publication of treaties and encourage countries to register their treaties; to review the objective conditions for their registration; and to recognize the role of the depositary, whether it was the Secretary-General or any other depositary, in a manner that would reflect the current practice of the Secretariat as well as relevant provisions of the 1969 Vienna Convention on the Law of Treaties.

75. The use of electronic means would appear to be the best way to register treaties. However, as developing countries continued to have difficulty accessing such technologies, there was a need to provide them with the necessary technical assistance.

76. The conclusion of treaties was an expression of sovereignty. The contracting parties to a treaty had an obligation, not a choice, to apply the treaty. The parties did not require any authorization if there was no international authority that was superior to the authority of the States concerned. Under treaty law, international treaties were enforceable only among the parties thereto, which assumed rights and obligations under the said treaties. As set out in article 26 of the Vienna Convention on the Law of Treaties, every treaty in force was binding upon the parties to it and must be performed by them in good faith.

77. In conclusion, his delegation welcomed the inclusion of the current item on the agenda of the General Assembly. It hoped that the Treaty Section would continue its efforts to promote capacity-building and provide support to Member States. It also hoped that the General Assembly would take the necessary measures to address the gaps in the registration of treaties by promoting capacity-building and issuing technical assistance guides, and that the main rules pertaining to treaties would be respected.

78. **Mr. Racovita** (Romania) said that for his Government, the concern of the Secretary-General and Member States to improve and simplify the treaty regulations was of great interest. Romania had always been open to making the international treaty framework more transparent and accessible. It agreed with the General Assembly that the regulations should be both useful and relevant to the Member States. Considering that they had not been updated since 1978 and given technological developments, Romania supported the initiative of an electronic platform for the registration and publication of treaties.

79. Such a platform would establish a balance between the Secretary-General's depositary functions and the promotion and the publication of treaties, on the one hand, and the need for Member States to have easy access to services and information available on international treaties, on the other hand. His delegation was confident that the Sixth Committee would consider any recommendations put forward and its discussions would create the foundation for the establishment of a new, updated and, most importantly, user-friendly e-platform.

80. **Mr. Simcock** (United States of America) said that treaties provided an important means by which States could establish frameworks to advance their common interests. The United States worked actively to identify areas in which treaty relationships could enhance its cooperative efforts. It utilized treaties to enhance law enforcement cooperation to fight crime and protect its

citizens, promote mutually beneficial terms for international trade and coordinate efforts for mutual defence and security. In 2018, the United States Senate had provided advice and consent for the ratification of five new treaties addressing extradition, maritime boundaries and intellectual property rules. The United States looked forward to continued engagement with other States to make its treaty relationships effective and mutually beneficial.

81. His delegation had taken note of ideas for potential changes to regulations under Article 102 of the Charter regarding the registration of treaties. As it had noted when the Secretary-General had first addressed possible changes to the regulations in 2016, his Government believed that the Sixth Committee should focus its attention on proposals that could further contribute to efficiency, particularly through the effective use of information technology, and make the most productive use of available resources. At the same time, it would be concerned about proposals that could have the effect of limiting the accessibility and usefulness to Member States of information and treaty texts made available by the Secretary-General.

82. The Sixth Committee should proceed cautiously in its consideration of any such changes and should take careful account of the views of the Secretariat with regard to any implementation issues or challenges that might be posed by particular proposals. His delegation looked forward to further opportunities to give those important issues the careful and rigorous consideration they deserved.

83. **Mr. Tōnē** (Tonga) said that the inclusion of the current topic in the work of the Sixth Committee provided the necessary platform for a timely review and modernization of the 1946 regulations to give effect to Article 102 of the Charter and to ensure that they continued to be relevant and met the needs of Member States. As a small island developing State, Tonga relied heavily on the records and resources registered and published in the United Nations *Treaty Series*. The model instruments and treaty-making guides and handbooks provided through that platform had proven useful in its ratification and accession efforts.

84. Tonga supported the Secretary-General's call for a more enhanced role of the Treaty Section in supporting Member States. It would like to see further support and interaction from the Section, in particular through capacity-building, publications and technical assistance, which were key to ensuring inclusivity, particularly for small island developing States like Tonga. His delegation had taken part in a capacity-building seminar conducted by the Treaty Section for that purpose.

85. **Mr. Arrocha Olabuenaga** (Mexico) said that it was important for Sixth Committee to consider the regulations to give effect to Article 102 of the Charter, and to update the relevant provisions of the Regulations on Registration and Publication of Treaties and International Agreements and the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* in the light of contemporary treaty law and taking into account the use of new information and communications technologies, especially since both the Regulations and the *Summary of Practice* predated the entry into force of the 1969 Vienna Convention on the Law of Treaties.

86. In his fourth report on provisional application of treaties (A/CN.4/699), the Special Rapporteur had showed that the practice of provisional application was inconsistent with the provisions of the Regulations and the *Summary of Practice* with regard to the practice to be followed by the Secretary-General in his capacity as depositary of treaties and in exercise of his treaty registration function. His delegation agreed with the following recommendation made by the Special Rapporteur in that report: "it is worth considering the merits of the idea that, in due time, the Commission should recommend to the Sixth Committee that the 1946 regulations on registration should be revised in order to adapt them to the current state of practice relating to the provisional application of treaties. This would serve as a guide to practice in line with the scope and content of article 25 of the 1969 Vienna Convention, which in turn would enable the Secretariat to reflect at a later time, both in the above-mentioned handbooks and in the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, the new trends in the matter that are developing in accordance with contemporary practice."

87. An analysis of developments in the practice of registration and publication of treaties and other related activities would help make for a more efficient use of available resources. Similarly, the exchange of opinions between Member States would serve to identify good practices and would contribute to the progressive development of international law in that very technical area.

88. **Mr. Gonzalez** (Colombia) said that a review of practice of registration and publication of treaties was a good opportunity to review the regulations to give effect to Article 102 of the Charter in the light of the evolution of new technologies. The General Assembly should reaffirm the importance of the registration and publication of treaties and consider amendments to the regulations so as to overcome deficiencies in that regard. The real challenge was to update the registration

and publication process so that it was an incentive rather than an obstacle for the implementation of Article 102.

89. As information technology had become an essential instrument for the achievement of the objectives of Article 102 and had helped to simplify the registration and publication of instruments and the dissemination of information on such instruments, it should be possible to provide the original versions of treaties that met all the requirements electronically rather than in hard-copy form. However, that must not in any way be to the detriment of the resources which the Treaty Section received. Those resources should then be used for other indispensable tasks, such as updating the *Summary of Practice*, improving the current virtual platform for storing treaties electronically, or promoting capacity-building.

90. On the other hand, Article 12, paragraph 1, of the regulations stipulated that the Treaty Section must publish all treaties in the original languages, followed by a translation in English and in French. Thanks to the work of the Treaty Section, there were no backlogs in registration, as treaties were registered in the month following their filing. However, there were delays in the publication of the *Treaty Series* due largely to translation delays. Currently, States were urged to provide courtesy translations into English or French in order to speed up the registration process and ensure timely publication in the *Treaty Series*, but according to the Secretary-General's report, it was very rare that such courtesy translations were provided, thus delaying the registration and publication process.

91. For many States working in a language other than English or French, translation was time-consuming and costly, especially in cases none of the signatories to a treaty had English or French as an official language and the treaty in question came with many annexes. His delegation therefore called on Member States to consider whether to dispense with the need to translate treaties as part of publication process. His delegation felt that it would be sufficient to provide a brief explanation of the content of the treaty in English or French as part of the publication process. That would also release resources which the Treaty Section might use in other areas.

92. Under article 13 of the regulations, the Secretariat was required to publish every month a statement of the treaties and international agreements registered, or filed and recorded, during the preceding month, giving the dates and numbers of registration and recording. Article 14 provided that the Secretariat should send that monthly statement to all Member States. However, given that such information was published on the Treaty Section's website as soon as the treaty was registered, the monthly publication was unnecessary. The same applied for the statement of treaties published in the original language on the website. Thus, his delegation considered articles 13 and 14 to be unnecessary.

93. **Mr. Tang** (Singapore) said that his delegation welcomed the inclusion of the new item on the agenda of the General Assembly. A strong and robust international treaty framework was a critical component of a rules-based multilateral system, which was essential for the survival and success of small States like Singapore. The effective operation and implementation of treaties were vital to the rule of law at the international level. Singapore was therefore pleased that there was now a dedicated platform at the General Assembly to discuss issues relating to the international treaty framework.

94. It was an opportune moment for the General Assembly to review the regulations to give effect to Article 102 of the Charter. There were ways in which the regulations could be updated and improved to reflect technological advances and current realities. That would ensure that the regulations remained useful and relevant to Member States and would allow for an efficient use of the resources of the Treaty Section, which had been doing some outstanding work. Among its many accomplishments was the online portal – the United Nations Treaty Collection, which provided a wealth of information on treaty law and practice.

95. His delegation hoped that the current agenda item would provide a platform for wider discussion on other treaty law-related topics in the future. It also supported the inclusion of the item on the provisional agenda of a future session.

96. **Ms. Neilson** (New Zealand) said that her country was a party to some 1,700 treaties, and greatly valued the Secretariat's work in registering them, as well as the Secretary-General's role as depositary of many of them. That added transparency and coherence to the international legal order and assisted in providing clarity on the extent of States' obligations.

97. The process of registering treaties involved a considerable amount of work for both States and the Secretariat, hence there was a need for the regulations to give effect to Article 102 of the Charter to be up to date and to reflect current practice and technological developments. A review of the regulations would be beneficial for both States and the Secretariat.

98. **Mr. Fintakpa Lamega** (Togo) said that his Government welcomed the General Assembly's decision to include an item on strengthening and

promoting the international treaty framework on the agenda of the Sixth Committee. Given the current geographical imbalance in the registration of treaties, a revision of the regulations in force was vitally important so as to make registration easier, less bureaucratic, less costly and more accessible to all Member States. Togo supported the proposal that electronic means should be used to make the registration process less cumbersome and that provision should be made for a mechanism to assist developing countries in obtaining access to such technologies.

99. There was a need to speed up the publication of treaties registered with the United Nations, and his delegation would cooperate, in the informal consultations to be held at the end of the current session, in efforts to that end. The current agenda item could also be used at future sessions to consider other questions relating to treaties, such as the Secretary-General's role as depositary of multilateral treaties.

100. **Ms. Boucher** (Canada) said that Article 102 of the Charter was very clear about the responsibility of States with regard to the registration of treaties. The aim of the registration and publication of treaties was to promote transparency in the conduct of international relations and to establish a comprehensive and central source of international agreements for practical, operational and academic research purposes.

101. Although States were aware of their responsibility to register, many had been slow in doing so. For its part, Canada had registered 396 treaties between 1 January 2015 and March 2016. It should be borne in mind that States did not all have the same resources; that other organizations also registered treaties; and that it might be useful to consider revising existing practices to maximize results with the help of electronic communications.

102. Her delegation looked forward to an exchange of ideas on how to ensure full implementation of Article 102 of the Charter. Canada was committed to a rules-based international order. Treaties represented the foundation of that order, and their registration, consistent with Article 102, contributed to international stability.

103. **Mr. Nasimfar** (Islamic Republic of Iran) said that treaties were the main source of international law and the cornerstone of rules-based international relations. They were also a more direct and formal method of creation of international law. The United Nations system had played an important role in ensuring the transparency of treaties concluded by its Member States.

104. His delegation took note of the Secretary-General's report (A/72/86) and was in favour of a careful consideration of the recommendations contained therein for updating the existing treaty registration regulations to reflect technological developments and current practice. His delegation also took note that the Secretary-General had indicated in the report that treaty registration appeared to be geographically imbalanced, probably due to limited awareness of the obligation to register or a lack of resources needed to do so. Continuation of the debate on the subject could heighten the awareness of Member States of the importance of registration and provide a platform for an exchange of best practices. The consideration of those recommendations could also enable the General Assembly not only to update the regulations, as appropriate, but also to consider measures to address current shortcomings in treaty registration through capacity-building and technical assistance to make registration easier and more accessible for all Member States.

105. His delegation continued to maintain that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, which had already produced useful guidelines in the past, could be an appropriate forum to discuss the different aspects of the implementation of Article 102 as well as other treaty-related topics. It would therefore be more practical and results-oriented to include the item on the agenda of the Special Committee, instead of including it on the provisional agenda of future sessions of the Sixth Committee.

106. International treaties served as an important tool for harmonizing international relations and maintaining international peace and security. The United Nations bodies, and in particular the Sixth Committee, had an essential role to play in strengthening and promoting the international treaty framework. His delegation hoped that that process would contribute to a further strengthening of the rule of law at the international level.

107. **Mr. García Moritán** (Argentina) welcomed the support received from all delegations for the inclusion of the current item on the agenda and the continuing interest expressed during the informative meetings held on the possibility of reviewing the regulations for the registration of treaties in conformity with Article 102 of the Charter. His delegation was also grateful for the support received from the Office of Legal Affairs, and in particular the valuable work of the Treaty Section, which had helped to identify potential courses of action for making work in the area more efficient and effective.

107. An updating of the regulations would make it possible to address the question of capacity-building in support of the treaty registration process and to encourage greater participation and transparency in the international treaty framework. His delegation hoped that the current debate and informal consultations on a review of the regulations would lead to the adoption by consensus of a draft resolution under the new agenda item that would help the United Nations continue with its modernization efforts.

109. **Ms. Kalb** (Austria) said that her country was a traditional supporter of efforts to strengthen international law and the rule of law, including multilateral treaties and was very diligent in registering its treaties. It commended the Treaty Section for the important role in played in the treaty registration process, including its assistance regarding the Secretary-General's depositary functions. Austria was therefore pleased to work with Argentina, Brazil, Italy and Singapore to bring about a necessary modernization and introduce efficiency measures for the registration of treaties.

110. Austria welcomed the recommendations contained in the Secretary-General's report (A/72/86) to consider measures to address the current shortcomings in treaty registration through capacity-building, publications and technical assistance; to examine the opportunity for an exchange of views among States regarding their treaty-making practice, and analytical studies; to modernize the regulations and recognize the role of information technology; to consider amendments to recognize the role of depositaries other than the Secretary-General; to provide reliable guidelines for registration and the required documentation; to examine measures to enhance the accessibility of the register; to consider whether the current publication policy met the requirements of Member States in the light of pressure on limited resources; to examine whether to remove current requirements of translation and to consider alternative measures, such as publication of translations only when they had been provided by the registering entity and whether to reiterate the call for Member States to include translations with treaties provided for registration; and to consider broadening the policy of limited publication, given the wide range of sources where texts of multilateral treaties were available.

111. It was important to maintain the multilingual nature of the *Treaty Series*, which already contained texts of treaties in some 100 languages. A review of the translation and publication policy would be an effective way to reduce costs, address the backlog in the *Treaty Series* and ensure greater efficiency. Austria looked forward to working with all delegations to make the regulations useful and relevant and to take advantage of the opportunity to discuss, in the future, issues relating to strengthening and promoting the international treaty framework.

112. **Mr. Bukoree** (Mauritius) said that his delegation concurred with all the reasons set out in the explanatory memorandum contained in A/73/141 for the inclusion of the current item on the agenda, and it highlighted the outstanding work performed by the Treaty Section over many years, despite limited resources. A debate and possible review of the current framework might help redress any perception of a geographical imbalance with regard to the registration of treaties and might also assist in removing bureaucratic obstacles in the treaty registration process.

113. Treaties were a cornerstone of the international system and, more than ever, were essential instruments for international relations. They served to regulate subjects that were too specific and detailed to be dealt with by customary law. However, treaties did not override the principles of customary international law. On the contrary, they complemented customary international law and helped reinforce international law in general. The 1969 Vienna Convention on the Law of Treaties continued to be very relevant, although its scope was limited to treaties concluded between States. Pursuant to article 53 of the Convention, a treaty was void if it conflicted with a norm of *jus cogens*. On the other hand, the international community should probably start a long-term, sustained effort to promote the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, which had not yet entered into force. More mechanisms should be put in place to reinforce the adherence of Member States to treaties, whether through signature, consent to be bound or eventual ratification, acceptance or accession.

114. **Mr. Carrillo Gómez** (Paraguay) said that the registration and publication of treaties contributed directly to the establishment of legal certainty for the international community and to the progressive development of international law and the dissemination of knowledge for professionals and academics. It also indirectly contributed to the peaceful settlement of international disputes. Since 1991, Paraguay had been the depositary of 148 treaties, protocols and agreements concluded under the Southern Common Market (MERCOSUR). The dissemination of the practice developed by the United Nations for the registration and publication of treaties was vital to ensuring consistency in the practice of States which, like Paraguay, served as depositaries for multilateral agreements and which, in carrying out those functions, contributed to the

establishment of legal certainty for the international community.

115. A society of diverse cultures and a bilingual nation, Paraguay underscored the value of diversity and encouraged the use of Spanish in the registration and publication of United Nations treaties on a par with the languages currently used. To strengthen and promote the international treaty framework, it was also important to address the provision of technical assistance to Member States and human resources training, the use of technologies accessible to all Member States, and the provisional application of treaties.

Agenda item 79: Criminal accountability of United Nations officials and experts on mission (A/73/128, A/73/129, A/73/155)

116. **Mr. Nasimfar** (Islamic Republic of Iran), speaking on behalf of the of the Movement of Non-Aligned Countries, said that the Movement attached great importance to the issue of criminal accountability of United Nations officials and experts on mission. The countries of the Non-Aligned Movement contributed more than 80 per cent of the peacekeeping personnel in the field and were also the major recipients of peacekeeping missions. Peacekeeping personnel must continue to perform their duties in a manner that preserved the image, credibility, impartiality, and integrity of the Organization. The Movement emphasized the importance of maintaining a policy of zero tolerance in addressing all cases of sexual exploitation and abuse committed by peacekeeping personnel.

117. The Non-Aligned Movement urged the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing the activities of the United Nations, with information and material for the purpose of criminal proceedings initiated by States. In that connection, it took note of the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel adopted under General Assembly resolution 62/214. That Strategy would help to mitigate the suffering of victims and offer them social support, legal services and medical attention.

118. Full implementation by all Member States of General Assembly resolution 72/112 and previous General Assembly resolutions could help close jurisdictional gaps, strengthen accountability mechanisms and contribute to guaranteeing due process with respect to investigations of sexual exploitation and abuse. Member States should exercise their jurisdiction in applicable cases to ensure that criminal acts did not go unpunished. It was crucial that the State of nationality acted in a timely manner to investigate and prosecute alleged crimes. All States must provide information to the United Nations on any such referrals. An assessment of the need for any further measures by the United Nations could subsequently be undertaken. Important policy and remedial measures had been agreed but still need to be implemented. Progress must also be made on short-term measures.

119. The Non-Aligned Movement reiterated its concern about alleged crimes on the part of United Nations officials and experts on mission, including allegations of corruption and other financial crimes. The Secretary-General should continue to ensure that his zero-tolerance policy for criminal activities, including sexual exploitation and abuse and corruption, was made known to all United Nations personnel on mission, especially those in managerial positions. States must take all appropriate measures to ensure that such crimes did not go unpunished and that the perpetrators were brought to justice.

120. The Non-Aligned Movement reiterated that it was still premature to discuss a draft convention on criminal accountability of United Nations officials and experts on mission. For the time being, the Committee must focus on substantive matters and leave matters of form for a subsequent stage.

121. **Ms. Rivera Sánchez** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that any misconduct, especially criminal behaviour, committed by United Nations personnel on mission was unacceptable. Such acts were particularly serious because of the nature of the perpetrators' functions and the vulnerability of the victimized; moreover, they undermined the image, credibility, impartiality and integrity of the United Nations.

122. CELAC took note of the reports of the Secretary-General on criminal responsibility of United Nations officials and experts on mission (A/73/128, A/73/129 and A/73/155) and also the report on special measures for protection from sexual exploitation and abuse (A/72/751). CELAC was aware of allegations, as in previous years, of sexual abuse and excessive use of force by some peacekeepers. The international community must do much more to ensure that such crimes did not go unpunished. CELAC reiterated its full support for a zero-tolerance policy in cases of sexual exploitation and abuse and other criminal conduct.

123. CELAC took note in particular of section IV of document A/73/129, which dealt with cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions, and protection of victims and witnesses in that process. It also stressed the importance of receiving continuous information from the Secretariat on substantiated allegations. Improving on the reporting practice would benefit the understanding of the problem so that it could be properly addressed. The Secretariat should continue to work to improve the quality of information regarding possible criminal offences and to communicate such information immediately to the States concerned. The reporting process must be implemented effectively and efficiently.

124. CELAC urged States to which cases had been referred to ensure proper follow-up and to inform the Secretary-General of the actions taken by national authorities, including prosecution where appropriate; for its part, the Organization should likewise follow up on those actions. The Secretary-General and all Member States shared a responsibility for taking measures to prevent and punish criminal acts committed by United Nations personnel and to enforce standards of conduct. It was important to continue the dialogue with the Secretariat on the training and capacity-building of United Nations officials and experts on mission, and to take steps to prevent the abuse of privileges and immunities.

125. CELAC looked forward to the results of the implementation of the accountability framework developed by the Secretariat to measure the performance of field missions in connection with indicators relating to conduct and discipline. Attention should also be given to addressing other challenges, such as investigations in the field and during criminal proceedings, and the gathering and assessment of evidence in administrative and jurisdictional procedures, which must be conducted bearing in mind the interests of the alleged victims and the right of the accused to due process. United Nations personnel must comply with United Nations policy guidelines regarding their expected standards of conduct, including those set out in documents A/67/775 and A/67/828.

The meeting rose at 1.05 p.m.